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A “JOINT” DEPARTMENT OF HOMELAND SECURITY?

by

John C. Vann, CDR, USCG

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## **Biography**

Commander John C. Vann has served in five Coast Guard cutters including ACTIVE, GALLATIN, FORWARD, and in command of the cutters ASSATEAGUE and HARRIET LANE. His assignments ashore have included duty as the Support and Special Staff Assignments Officer in the Officer Assignments Branch of the Coast Guard Personnel Service Center, Nautical Science Instructor on the U.S. Coast Guard Academy's Professional Development faculty, and as the Coast Guard's e-Learning Program Manager on the Commandant's Training, Workforce Performance and Development staff.

CDR Vann earned a Bachelor of Science degree in Civil Engineering from the U.S. Coast Guard Academy, and holds a Master of Science degree in Instructional Systems from Florida State University. Prior to his current studies at Air War College, CDR Vann completed the Air Command and Staff College distance learning program.

CDR Vann's military decorations include two Coast Guard Meritorious Service Medals, and five Coast Guard Commendation Medals.

## **Abstract**

While the Department of Homeland Security (DHS) has in its first decade largely integrated the business of the twenty two original agencies that came together in the aftermath of the September 11, 2001 terrorist attacks, there remains much work to be done. The Department of Defense (DOD) experienced a similar effort over its first 39 years until the 1986 Goldwater-Nichols Act of 1986 codified the concept of a joint military force. While the DHS benefits in some ways from the application of joint concepts, in others integration could be improved.

This research project presents primers on the establishment of the DHS and the Goldwater-Nichols Act. Three joint concepts are then overlaid on the DHS construct: department organization, capabilities, and administration. For each, examples or emphasis points are provided to illustrate and provide support to the discussion of integration: for organization, command and control during Hurricane Katrina; for capabilities, interagency acquisitions; for administration, personnel education and Congressional oversight.

The results of this research show that DHS organization, command and control should be guided by unity of effort through multi-agency coordination. Unity of command via a DOD-like joint approach to the department's capabilities and administration is best. Specific recommendations include: allowing the improvements enacted by the Post-Katrina Emergency Management Reorganization Act to take hold, use of the DOD as a model for acquisition system improvements, striving to copy the DOD's JPME model, and reduction to fewer focused Congressional oversight committees parallel to the DOD's six core committees.

The DHS is not yet ten years old and, in the aftermath of Hurricane Katrina, has already undertaken one reorganization. Improvements in the areas featured here can begin immediately and don't require legislative direction to make an important difference in our homeland security.

## Introduction

*“...the first requirement is for the Government to adapt its organization to current national security realities.” – Senator Sam Nunn<sup>1</sup>*

Senator Nunn uttered these words about the ground-breaking *Goldwater-Nichols*

*Department of Defense Reorganization Act of 1986*, which, after years of parochial struggle amongst the services and the resulting military operational failures, instituted an “intellectually, operationally, organizationally, doctrinally, and technically” joint force, the flexibility and responsiveness of which would remain key to the Armed Forces’ operational success in the future.<sup>2</sup> On September 11, 2001, a new national security reality was thrust upon the United States. When Islamic extremist terrorists hijacked airliners full of innocent passengers and struck the domestic symbols of our government, military and economic power, killing nearly 3,000 Americans, our world forever changed. In response, our government undertook its most significant reorganization since the founding of the Department of Defense (DOD) in the aftermath of World War II, eventually establishing the Department of Homeland Security (DHS) on March 1, 2003.

As the DHS approaches its tenth anniversary amidst multiplying, asymmetric threats and an austere federal budget outlook, in what ways might it operate in a more joint manner? Would policy or Goldwater-Nichols Act-like legislation that would bring DHS’ component agencies more closely together be beneficial? How can “joint” concepts improve operational effectiveness and increase business efficiency in DHS?

*“The creation of the Department of Homeland Security marks the major reorganization of nearly two dozen disparate federal agencies. While progress thus far is undeniable, the structural, functional, and administration flaws in the department must be resolved as soon as possible to protect the American people.” – Peter Gillette<sup>3</sup>*

<sup>2</sup> *Goldwater-Nichols Department of Defense Reorganization Act of 1986*, Introduction. <http://www.ndu.edu/library/goldnich/goldnich.html>.

While DHS has largely integrated the business of twenty two original agencies that formed the department, there remains much to do. The DOD experienced similar growing pains over the 39 years of its existence until Goldwater-Nichols codified the concept of a joint military force. DHS is already benefitting from the application of joint concepts in some areas, but in others integration could be improved. The highlighting of selected joint concepts shows that DHS can learn from DOD, continue to work jointly in some capacities, improve integration in others, and, after only one decade of existence, does not require legislative direction to do so.

This paper will present primers on the establishment of DHS and the Goldwater-Nichols Act. Three joint concepts will be overlaid on the DHS construct: department organization, capabilities, and administration. For each, examples or emphasis points will be provided to illustrate and provide support to the discussion of integration: for organization, command and control during Hurricane Katrina; for capabilities, interagency acquisitions; for administration, personnel education and Congressional oversight. Opportunities where enhanced integration or a joint approach could increase operational effectiveness or improve efficiency will be identified. Finally, recommendations on whether DOD or the Goldwater-Nichols Act might offer lessons to DHS, and how DHS might initiate positive change, will be offered.

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<sup>3</sup> Gillette, Peter, "Department of Homeland Security: Pros, Cons and Opportunities," *National Security Watch* 03-1 (31 January 2003): 3.

## Primer: Department of Homeland Security

“Who is responsible for defending us at home?” – 9/11 Commission<sup>4</sup>

Even before the tragic events of September 11, 2001, with global terrorism on the rise and recognition the emergency management community was narrowly focused on natural disasters, the concept of a national homeland security entity was being discussed in American government. The January 2001 *Hart-Rudman Commission Report* recommended a “new National Homeland Security Agency to consolidate and refine the missions of the nearly two dozen disparate departments and agencies that have a role in U. S. homeland security today,” be created.<sup>5</sup> Shocked into action by the 9/11 attacks, President Bush established the White House Office of Homeland Security (OHS). In 2002, the OHS released the first *National Strategy for Homeland Security*, which endorsed creation of DHS by stating that “establishment of a new Department of Homeland Security would ensure greater accountability over critical homeland security missions and unity of purpose among the agencies responsible for them.” Congress then passed the *Homeland Security Act of 2002* (HSA), establishing DHS on March 1, 2003. The Act listed the department’s primary missions as: preventing terrorist attacks within the U. S.; reducing vulnerability of the U. S. to terrorism; and, minimizing damage and assisting in the recovery from attacks that do occur.<sup>6</sup>

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<sup>4</sup> National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* (Washington, DC, 2004) 427.

<sup>5</sup> Roger Z. George and Harvey Rishikof, *The National Security Enterprise: Navigating the Labyrinth* (Washington, DC: Georgetown University Press, 2011), 205.

<sup>6</sup> *Homeland Security Act of 2002*, Public Law 107-296, 107<sup>th</sup> Cong. (25 November 2002).

Twenty-two separate federal agencies were brought together to staff the new department. Originally, DHS organized into five directorates.<sup>7</sup> Later, the *Post-Katrina Emergency Management Reform Act of 2006* (PKEMRA) realigned DHS, and seven individual operating components were identified (Figure 1).<sup>8</sup> The initial operating premise of this department made up of 22 existing agencies that previously had different reporting chains, differing agendas, separate budgets, distinct business processes, operational procedures and organizational cultures, along with the countless state, local and tribal agencies and a citizenry who had a role in their own security, was that DHS “would serve as the unifying core of the vast national network of organizations and institutions involved in homeland security.”<sup>9</sup>

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<sup>7</sup> The five original DHS directorates included: Border and Transportation Security, Emergency Preparedness and Response, Science and Technology, Information Analysis and Infrastructure Protection, and Management (with the U. S. Coast Guard and U. S. Secret Service remaining fully intact and reporting directly to the Secretary).

<sup>8</sup> DHS’ current seven operating components include: the Transportation Security Administration, U. S. Customs and Border Protection, U. S. Citizenship and Immigration Services, U. S. Immigration and Customs Enforcement, U. S. Secret Service, Federal Emergency Management Agency, and U. S. Coast Guard. From Congressional Research Service, *Federal Emergency Management Policy Changes After Hurricane Katrina: A Summary of Statutory Provisions*, CRS Report for Congress (Washington, DC: Congressional Research Service, 6 March 2007), 6.

<sup>9</sup> The White House, *National Strategy for Homeland Security* (Washington, DC: Office of Homeland Security, July 2002), 11.

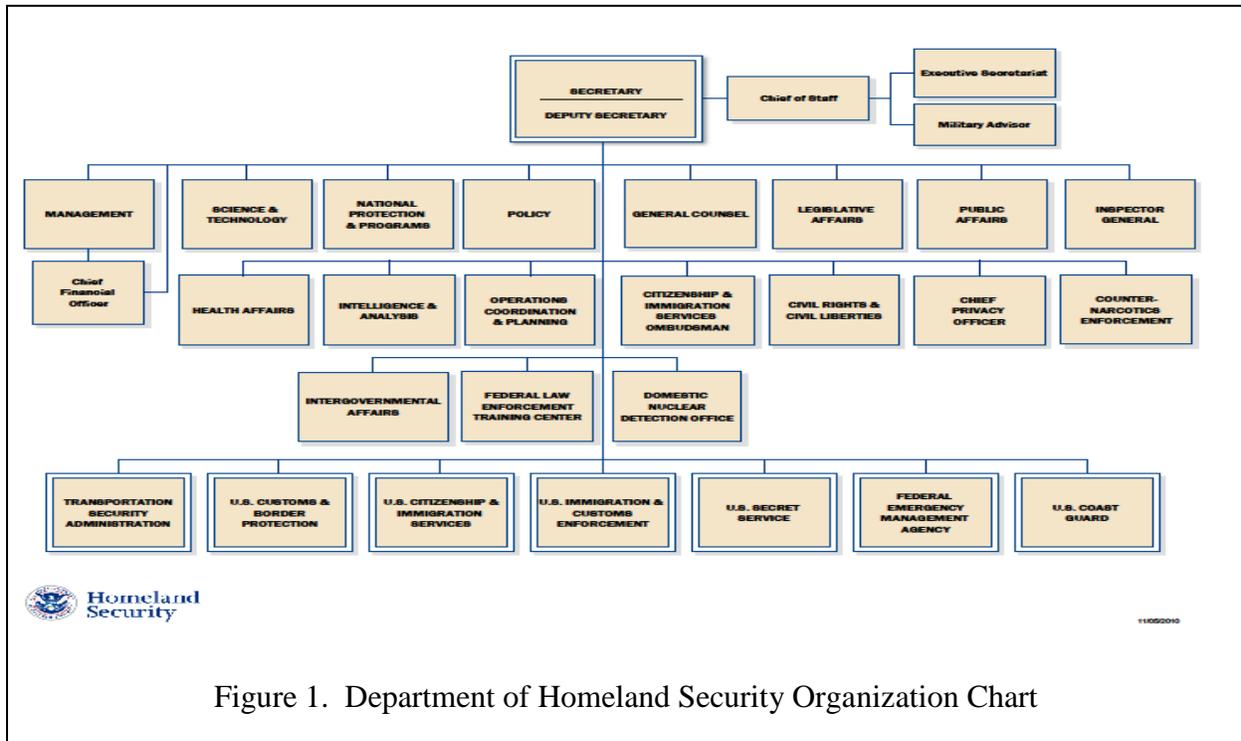


Figure 1. Department of Homeland Security Organization Chart

First the *National Response Plan* of 2004, then the *National Response Framework* of 2008, recognized the National Incident Management System (NIMS) and Incident Command System (ICS) as the federally accepted command structure for incidents of national significance to which DHS operating components and department staff elements, along with state, local, tribal and non-government signatories would adhere. Along with the reorganization and merging of staff elements and agencies into DHS that the HSA dictated, this family of doctrine outlined how contributors to the homeland security mission would work together.<sup>10</sup> From the beginning, the nature of the homeland security mission and the effort to build a new cabinet level department spawned in DHS agencies a tendency to work together.<sup>11</sup>

<sup>10</sup> Department of Homeland Security, *National Response Framework* (Washington, DC: Department of Homeland Security, January 2008), 1-2.

<sup>11</sup> RADM Peter V. Neffenger (Director, Enterprise Strategy, Management and Doctrine, U.S. Coast Guard, Washington, DC), in discussion with the author, 29 August 2011.

## DHS Culture: Unity of Effort

*“... chain of command doesn’t exist. You have to aggregate everybody’s capabilities to achieve a single purpose, taking into account the fact that they have distinct authorities and responsibilities. That’s creating unity of effort rather than unity of command, and it’s a much more complex management challenge.” – Admiral Thad Allen<sup>12</sup>*

The 2007 *National Strategy for Homeland Security* updated DHS core missions to include: “preventing and disrupting terrorist attacks; protecting the American people, our critical infrastructure, and key resources; responding to and recovering from incidents that do occur; and, continuing to strengthen the foundation to ensure our long-term success.”<sup>13</sup> The updated National Strategy highlighted the fact that “certain non-terrorist events that reach catastrophic levels can have significant implications for homeland security,” and that preparation for catastrophic natural and man-made disasters would increase the security of the Homeland.<sup>14</sup> The broad scope of participants in homeland security, the expanded definition of threats to the homeland (referred to in DHS as “all hazards”), and diversification of the DHS mission made clear that prevention of terrorist attacks and security were one side of the homeland security coin, while response to and recovery from emergencies of all kinds was the other. This focus played a significant role in developing a culture of cooperation in DHS.

Like any federal government department, in some regards DHS behaves in an integrated manner. Department level administration coordinates the business activities of all sub agencies. Furthermore, NIMS and ICS force some level of operational integration. So, DHS has a unique

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<sup>12</sup> Scott Berinato, “You Have to Lead from Everywhere,” interview with ADM Thad Allen, USCG (Ret.), *Harvard Business Review*, 1 November 2010, <http://hbr.org/2010/11/you-have-to-lead-from-everywhere/ar/pr> (accessed 29 October 2011).

<sup>13</sup> The White House, *National Strategy for Homeland Security* (Washington, DC: Office of Homeland Security, July 2002), 1.

<sup>14</sup> The White House, *National Strategy for Homeland Security* (Washington, DC: Homeland Security Council, October 2007), 3.

culture of integration. It has been said, however, that DHS strives for unity of effort or unity of purpose versus unity of command. The first *Quadrennial Homeland Security Review Report* stated that homeland security is a responsibility shared between the federal government, “individuals and communities, the private sector, state, local, tribal, and territorial governments, and nongovernmental organizations.”<sup>15</sup> It went on to say that the federal government cannot alone “ensure resilience or thwart every threat.” One of the report’s strategic aims is fostering unity of effort. Unity of effort “respects the chain of command of each participating organization while harnessing seamless coordination across jurisdictions in support of common objectives.”<sup>16</sup> In fact, the Secretary of Homeland Security’s job has been referred to as “the chief coordinator for the federal government’s role in all hazards and all threats for the homeland”<sup>17</sup> This perspective is quite different than the command structure we find in DOD, where the chain of command is clearly delineated, leaders are the “commander in chief,” the “chairman” or the “combatant commander.”

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<sup>15</sup> Department of Homeland Security, *Quadrennial Homeland Security Review Report* (Washington, DC: Department of Homeland Security, February 2010), 69.

<sup>16</sup> Department of Homeland Security, *National Response Framework* (Washington, DC: Department of Homeland Security, January 2008), 10.

<sup>17</sup> Roger Z. George and Harvey Rishikof, *The National Security Enterprise: Navigating the Labyrinth* (Washington, DC: Georgetown University Press, 2011), 221.

## Primer: Department of Defense

*“Proof that a divine Providence watches over the United States is furnished by the fact that we have managed to escape disaster even though our scrambled professional military setup has been an open invitation to catastrophe...”*

– Senator Harry S. Truman<sup>18</sup>

Then Senator Truman penned this passage in a magazine article while Chairman of the Senate Special Committee to Investigate the National Defense Program. As he moved into the Presidency, Truman maintained the belief that there was unacceptable “waste and inefficiency existing as a result of the operation of two separate and uncoordinated military departments.” As President he signed the *National Security Act of 1947*, joining the War and Navy departments, and an independent Department of the Air Force, in a central DOD. Unfortunately the Act, and subsequent DOD reorganizations, didn’t go far enough. The Joint Chiefs remained in the operational chain of command, and unified commands were “unified in name only” in the “service-dominated system” of the Cold War years.<sup>19</sup>

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<sup>18</sup> Quoted in James R. Locher III, *Victory on the Potomac* (College Station: Texas A&M University Press, 2002), 24.

<sup>19</sup> *Ibid.*, 25.

## A Joint Force: Unity of Command

*“Nothing is more important in war than unity of command.” – Napoleon<sup>20</sup>*

One of the traditional principles of war is “unity of command,” or having a single commander direct and coordinate the actions of all forces toward a common objective.<sup>21</sup> After the establishment of DOD, the Armed Forces fought as individual services through the Korean and Vietnam wars. Chairman of the Joint Chiefs of Staff (CJCS) General David C. Jones said that Vietnam was “perhaps our worst example of confused objectives and unclear responsibilities, both in Washington and in the field.”<sup>22</sup> Finally, the failure of the 1980 Operation Eagle Claw mission to rescue hostages from the American Embassy in Iran sufficiently pressured the Reagan Administration to pass Goldwater-Nichols. The events at Desert One were caused in large part by a lack of interoperability, non-standard systems and procedures, and confusion about who was in charge.

*“Goldwater-Nichols established very, very clear lines of command authority and responsibilities for subordinate commanders, and that meant a much more effective fighting force.” – General Norman Schwarzkopf<sup>23</sup>*

The 1986 legislation “sought to improve coordination and effectiveness within the military chain of command and to improve the joint operating effectiveness of the four military

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<sup>20</sup> Napoleon’s Maxims of War, in BG Charles J. Dunlap, Jr., *Neo-Strategicon: Modernized Principles of War for the 21<sup>st</sup> Century*, in Air Command and Staff College Strategy and War Distance Learning Course, Version 5.2.

<sup>21</sup> U. S. Army Field Manual 3-0, *Operations*, February 2008.

<sup>22</sup> Quoted in James R. Locher III, *Victory on the Potomac* (College Station: Texas A&M University Press, 2002), 29.

<sup>23</sup> Quoted in Daniel B. Prieto, “The Limits and Prospects of Military Analogies for Homeland Security: Goldwater-Nichols and Network-Centric Warfare,” in *From Threats at our Threshold: Homeland Defense and Homeland Security in a New Century, a Compilation of the Proceedings of the First Annual Homeland Defense and Homeland Security Conference*, sponsored by the Eisenhower National Security Series, United States Army War College, 2006, 90.

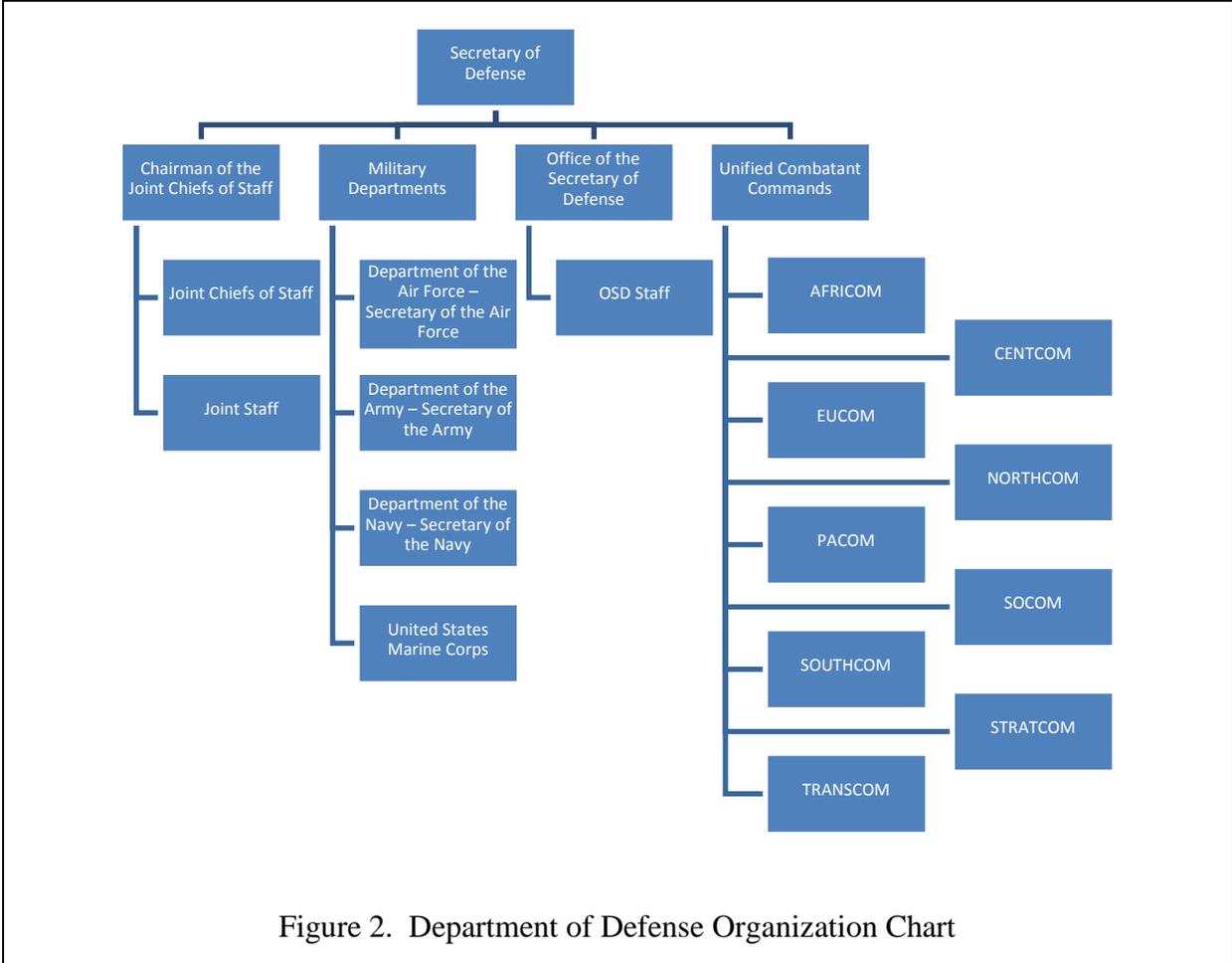
service branches.”<sup>24</sup> Among others, key aspects of the Act included: creation of combatant commanders who reported directly to the President through the Secretary of Defense, removing the service secretaries and chiefs from the operational chain of command (Figure 2), leaving them with the responsibility to cooperate on organizing, training and equipping their forces; establishment of a joint officer management system and joint training programs that tied career advancement to joint duty; a requirement for alignment of strategy and missions against budgets and resources to ensure efficiency across the services; and, improvements to DOD management and administration.<sup>25</sup> Although there remains work to be done to fully integrate the services, Goldwater-Nichols is considered a resounding success, and was touted as one of the primary reasons for our success in the Gulf War.<sup>26</sup> Most importantly, Goldwater-Nichols ushered in a joint culture in DOD. Joint duty is expected and valued, joint operations are commonplace and effective, and joint administration programs are the norm and realizing significant efficiencies.

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<sup>24</sup> Daniel B. Prieto, “The Limits and Prospects of Military Analogies for Homeland Security: Goldwater-Nichols and Network-Centric Warfare,” in *From Threats at our Threshold: Homeland Defense and Homeland Security in a New Century, a Compilation of the Proceedings of the First Annual Homeland Defense and Homeland Security Conference*, sponsored by the Eisenhower National Security Series, United States Army War College, 2006, 88.

<sup>25</sup> *Ibid.*, 88.

<sup>26</sup> Col John Osgood, USA (Ret.), “The Goldwater-Nichols Act – Managing the Defense Department.” 1996, <http://www.juris99.com/mil/w16.htm>.



## DHS: A Joint Force?

### Joint Concept 1: Organization

*“The real problem was to organize everything that was there and not presume the legal prerogatives of the state and local governments...” – Admiral Thad Allen<sup>27</sup>*

The DHS bureaucracy is designed to foster unity of effort at multiple jurisdictional levels, across diverse mission sets, to combat all hazards and threats. “More than 87,000 different governmental jurisdictions at the Federal, State, Territory, local and tribal level have homeland security responsibilities.” Additionally, “85 percent of critical infrastructure is owned by the private sector.”<sup>28</sup> Tribal councils, non-governmental organizations, community groups and even individual citizens have a role in homeland security. This all-inclusive team is quite different from our military and demands a particularly loose organizational structure that accounts for each entity’s threat priorities, available resources, capabilities and authorities – much like when we build coalitions.

*“There are over 100 entities in the federal government that have something to do with homeland security.” – White House Chief of Staff Andrew Card<sup>29</sup>*

The basic elements of the DHS mission remain: the prevention of terrorist attacks, preparedness for attacks or disasters, response to attacks and disasters that do occur, and recovery. The twenty two agencies that were brought together to form the department brought with them other ancillary missions that they retained. Examples include The Coast Guard’s

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<sup>27</sup> ADM Thad Allen, USCG (Ret.), Commander, Deepwater Horizon Response, National Incident Command. “A Strategic Review of the Gulf Oil Spill.” (interview transcript, Center for Strategic and International Studies, Washington, DC, 16 November 2010).

<sup>28</sup> Patrick D. Ellis and Randall J. Larsen, *Defending the American Homeland: 1993-2003*, The Counterproliferation Papers, Future Warfare Series No. 20 (Maxwell Air Force Base, AL: USAF Counterproliferation Center, 2003), 31.

<sup>29</sup> Quoted on “BrainyQuote,”  
[http://www.brainyquote.com/quotes/keywords/homeland\\_security\\_2.html](http://www.brainyquote.com/quotes/keywords/homeland_security_2.html).

domestic icebreaking and commercial fishing regulatory responsibilities, and the Secret Service's responsibility to investigate crimes against the U. S. monetary system such as counterfeiting. Furthermore, agencies outside of DHS have responsibilities that serve homeland security. These "outlier" missions and contributors create organizational wrinkles that favor unity of effort over unity of command.

*"I had 169 murders in my city last year; Osama Bin Laden did not commit one of them."*  
– anonymous American police chief<sup>30</sup>

The skills, knowledge, equipment and procedures needed to respond to most natural and manmade disasters are in large measure the same that people will use to respond to a terrorist attack.<sup>31</sup> The term "all hazards" has been adopted to highlight the breadth of homeland security threats, for they span from terrorist bombings to hurricanes to pandemics. Development of separate entities, or separate commands, to combat threats which demand the attention of the same homeland security professionals, that draw on the same resources, and whose impacts would be similar, would be unaffordable. This incredible extensiveness of threats unique to homeland security dictates a decentralized, cooperative organization in DHS.

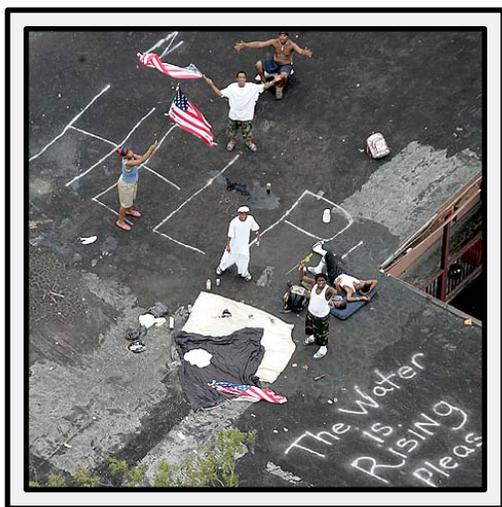
The many jurisdictions the mission spans, the DHS bureaucracy that has emerged, and the wide spectrum of threats the department is responsible for combating together determine the organization of DHS. Single-component operations conform to agency directives. When the department goes into action in response to an event of national significance, however, command and control takes on joint qualities, and is guided by the dictates of the NRP, NIMS and ICS. The Secretary of Homeland Security or his/her designated Principle Federal Official (PFO) are

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<sup>30</sup> Quoted in Christopher Bellavita, "Changing Homeland Security: What is Homeland Security?" *Homeland Security Affairs*, (Monterey: Naval Post Graduate School, June 2008, Volume IV, No. 2), 3.

<sup>31</sup> *Ibid.*, 3.

akin to the Secretary of Defense, and represent the single civilian leader of an operation. A designated Federal Coordinating Official (FCO) is parallel to a Combatant Commander, and is charged with managing and directing federal assets involved in an operation. Similarities between DHS and DOD command and control essentially end at this point.<sup>32</sup>



*“Pandemonium did not reign. It poured.” – John Kendrick Bangs<sup>33</sup>*

Hurricane Katrina demonstrated the challenges of DHS command and control. In the immediate aftermath of the storm’s landing, state and local government response organizations were overwhelmed. Their public safety capabilities were scattered or destroyed, delaying search and rescue, and inviting lawlessness and looting. They did not carry out the proper requests for federal assistance (either because they didn’t want it, or they lost the ability to communicate). After a slow start, DHS entered the fray, but early federal involvement was marred by such

<sup>32</sup> Daniel B. Prieto, “The Limits and Prospects of Military Analogies for Homeland Security: Goldwater-Nichols and Network-Centric Warfare,” in *From Threats at our Threshold: Homeland Defense and Homeland Security in a New Century, a Compilation of the Proceedings of the First Annual Homeland Defense and Homeland Security Conference*, sponsored by the Eisenhower National Security Series, United States Army War College, 2006, 91.

<sup>33</sup> Quoted in House of Representatives, *A Failure of Initiative*, Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Washington, DC: U. S. Government Printing Office, 15 February 2006), 8.

critical command and control breakdowns as agreement about authority, overlapping jurisdiction, duplicate effort, communications, and information sharing. The Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (the Select Bipartisan Committee) reported that the NRP was inadequate in outlining smooth integration of federal resources with state and local ones.<sup>34</sup> Many of the challenges to command and control in Katrina can be attributed to the “deficiencies of imperfect federalism.”<sup>35</sup> For, even though Washington can often offer significant support, cooperation with states and localities is not well defined, practiced or effective. Our constitution does not allow us to simply institute a hard chain of command across these jurisdictional boundaries. In Katrina, there was initially no capability to organize and apply federal assistance to mission effect. There was talk of the federal government taking over the response by invoking the Insurrection Act or waiving Posse Comitatus. However, because the state and local governments were still intact (albeit they had temporarily lost continuity of government), there was no premise for a federal takeover. The challenge was applying federal assistance to a local response without federal preemption of the entire response.<sup>36</sup> The Katrina response was turned around once Coast Guard Admiral Thad Allen was designated PFO. Admiral Allen understood how to leverage unity of effort across the whole of government, and draw on unity of command where it existed in the response framework.

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<sup>34</sup> House of Representatives, *A Failure of Initiative*, Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Washington, DC: U. S. Government Printing Office, 15 February 2006), Executive Summary.

<sup>35</sup> Donald F. Kettl, *System Under Stress: Homeland Security and American Politics* (Washington, DC: CQ Press, 2007), 80.

<sup>36</sup> ADM Thad Allen, USCG (Ret.), Commander, Deepwater Horizon Response, National Incident Command. “A Strategic Review of the Gulf Oil Spill.” (interview transcript, Center for Strategic and International Studies, Washington, DC, 16 November 2010).

## Joint Concept 2: Capabilities

*“There is no mechanism in place for components to standardize equipment purchases or identify common mission requirements among components.”*

– DHS Inspector General Charles K. Edwards<sup>37</sup>

Component capabilities present another concept in the discussion of a joint DHS.

Acquisition is an area that highlights the criticality of integration amongst DHS agencies. The above quote by the Acting DHS Inspector General is unfortunately very much the case in DHS.

The HSA directed the Secretary to establish an acquisitions program, and the Director of the Office of Science and Technology (OST) to administer programs of acquisition, research, development, test and evaluation.<sup>38</sup> In the face of asymmetric threats that cross agency lines of responsibility, and shrinking federal budgets demanding government efficiency, the Director of OST has initiated joint acquisition ventures aimed at optimizing stewardship of American tax dollars while more effectively combating threats.



Figure 3. Coast Guard and CBP response boats purchased through joint DHS acquisition.

<sup>37</sup> Quoted in Stew Magnuson, “Who is in Charge of What During Major Catastrophes Still Unanswered,” in *National Defense: National Defense Industrial Association’s Business and Technology Magazine*, November 2011, <http://www.nationaldefensemagazine.org/archive/2011/November/Pages/WhoIsinChargeofWhatDuringMajorCatastrophesStillUnanswered.aspx>.

<sup>38</sup> *Homeland Security Act of 2002*, Public Law 107-296, 107<sup>th</sup> Cong. (25 November 2002): Section 232.

Examples of “joint” DHS acquisitions include unmanned aerial systems and response boats (Figure 3). Both projects are shared between Customs and Border Protection (CBP), Immigration and Customs Enforcement, and Coast Guard acquisition offices.<sup>39,40,41</sup> These projects were born of the DHS Joint Requirements Council (JRC), a body modeled after the DOD Joint Requirements Oversight Council (JROC), which validates and prioritizes DOD acquisition programs. DHS recognized early the value of consolidating acquisitions, and additionally stood up an Acquisition Review Board (ARB) to monitor the JRC and component acquisition offices, and make some department-wide acquisition decision recommendations to the Secretary.<sup>42</sup> Unfortunately, the DHS JRC and ARB have been inconsistent in their activity, leaving lots of room for further integration in DHS acquisitions. After the Katrina response, the Select Bipartisan Committee found that “DHS procurement continues to be decentralized and lacking a uniform approach, and its procurement office was understaffed given the volume and dollar value of work” required for the response.<sup>43</sup> In 2010 the Government Accountability Office uncovered one example, finding that CBP, the Federal Emergency Management Agency,

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<sup>39</sup> House of Representatives, *Protecting the Maritime Borders – Leveraging Law Enforcement Cooperation to Enhance Security Along America’s Coasts: Testimony of Rear Admiral Paul F. Zunkunft, U.S. Coast Guard Assistant Commandant for Marine Safety, Security, and Stewardship before the Committee on Homeland Security, Subcommittee on Border and Maritime Security*, 2011.

<sup>40</sup> House of Representatives, *Protecting the Maritime Borders – Leveraging Law Enforcement Cooperation to Enhance Security Along America’s Coasts: Testimony of Major General (Ret.) Michael Kostelnik, U.S. Customs and Border Protection Office of Air and Marine Assistant Commissioner before the Committee on Homeland Security, Subcommittee on Border and Maritime Security*, 2011.

<sup>41</sup> CAPT Michael D. Emerson (former Chief, Aviation Forces, U.S. Coast Guard, Washington, DC), in discussion with the author, 4 December 2011.

<sup>42</sup> Report to Congressional Addressees, *Department of Homeland Security: Assessments of Selected Complex Acquisitions*, GAO Report 10-588SP (Washington, DC: Government Accountability Office, 2010), Summary.

<sup>43</sup> House of Representatives, *A Failure of Initiative*, Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Washington, DC: U. S. Government Printing Office, 15 February 2006), 5.

Transportation Security Administration and Coast Guard were among eight different acquisition offices within DHS that had purchased various types of detection equipment to screen people, baggage, containers, etc. without inter-department acquisition program coordination.<sup>44</sup>

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<sup>44</sup> Stew Magnuson, “DHS Considers Reviving Dormant Joint Requirements Council,” in National Defense: National Defense Industrial Association’s Business and Technology Magazine, December 2011, <http://www.nationaldefensemagazine.org/archive/2011/November/Pages/DHSConsidersRevivingDormantJointRequirementsCouncil.aspx>.

### Joint Concept 3: Administration

Department administration is another concept in the discussion of a “joint” DHS.

Inspections of department personnel education and Congressional oversight shed light on further integration issues.

*“Build a cadre of homeland security leadership through a unified national system of training and education.” – Homeland Security Advisory Council<sup>45</sup>*

DHS currently has no central, department-wide professional education program. Small numbers of employees attend agency-sponsored advanced education, but there is no homeland security professional certification program akin to Joint Professional Military Education. There are individual, agency-sponsored efforts to educate leaders. Examples include Coast Guard officer enrollment in DOD war colleges, and civilian emergency response professional certification programs through FEMA’s Emergency Management Institute (EMI). None of these programs, however, are universally required. For example, EMI offers Incident Command and PFO certification. Amazingly, Michael Brown, the Director of FEMA during the Hurricane Katrina disaster, was not a certified PFO prior to being named to that post for the largest natural disaster in U. S. history.<sup>46</sup> Additionally, DHS has no policy of rotational assignments to familiarize leaders with their fellow homeland security component agencies. The House Select Bipartisan Committee found that “Federal agencies, including DHS, had varying degrees of unfamiliarity with their roles and responsibilities under the NRP and NIMS,” and that “DHS and

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<sup>45</sup> Quoted in CDR Michael Day, Lt Col Charles Cody, and John Saxe, *Developing Homeland Security Professionals for the 21<sup>st</sup> Century*, academic research paper (Cambridge, MA: Harvard University John F. Kennedy School of Government, 2011), 18.

<sup>46</sup> House of Representatives, *A Failure of Initiative*, Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Washington, DC: U. S. Government Printing Office, 15 February 2006), 135.

FEMA lacked adequate trained and experienced staff for the Katrina response.”<sup>47</sup> Goldwater-Nichols aided in developing a cadre of military professionals who could achieve unity of effort, and function in a joint command structure by making “professional military education, joint training, and joint duty assignments mandatory gates in the advancement of U.S. military officers.”<sup>48</sup>

*“Homeland security needs to be guided by a smaller set of members of Congress, who can develop long term expertise on homeland security issues and be responsible for developing a strategic and well informed perspective that can guide and advise the Department.” – CSIS White Paper<sup>49</sup>*

The DHS answers to more than 100 Congressional committees and subcommittees.<sup>50</sup> One expert witness told the 9/11 Commission that this was “perhaps the single largest obstacle impeding the department’s successful development.”<sup>51</sup> By contrast, DOD reports to only 36 congressional oversight committees and subcommittees. Furthermore, 80% of DOD oversight is concentrated in just six committees.<sup>52</sup> This vast Congressional oversight that DHS is subjected to

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<sup>47</sup> House of Representatives, *A Failure of Initiative*, Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Washington, DC: U. S. Government Printing Office, 15 February 2006), 3.

<sup>48</sup> CDR Michael Day, Lt Col Charles Cody, and John Saxe, *Developing Homeland Security Professionals for the 21<sup>st</sup> Century*, academic research paper (Cambridge, MA: Harvard University John F. Kennedy School of Government, 2011), 5.

<sup>49</sup> White Paper of the CSIS-BENS Task Force on Congressional Oversight of the Department of Homeland Security, *Untangling the Web: Congressional Oversight and the Department of Homeland Security*, CSIS White Paper (Washington, DC: Center for Strategic and International Studies, December 2004), 3.

<sup>50</sup> Paul Rosenzweig, Jena Baker McNeill, and James Jay Carafano, *Stopping the Chaos: A Proposal for Reorganization of Congressional Oversight of the Department of Homeland Security*, WebMemo (The Heritage Foundation, November 2010), <http://report.heritage.org/wm3046>.

<sup>51</sup> National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* (Washington, DC, 2004) 421.

<sup>52</sup> White Paper of the CSIS-BENS Task Force on Congressional Oversight of the Department of Homeland Security, *Untangling the Web: Congressional Oversight and the Department of*

has unnecessarily burdened the department. DHS officials appeared before 5,000 briefings and 370 hearings in 2007 and 2008 alone.<sup>53</sup> The problem is getting worse, not better. As legislative changes and DHS administrative efforts have succeeded in unifying many aspects of DHS, the number of DHS oversight committees has grown from 86 when the department was established to 108 by the end of 2010.<sup>54,55</sup>

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*Homeland Security*, CSIS White Paper (Washington, DC: Center for Strategic and International Studies, December 2004), 2.

<sup>53</sup> Joseph Straw, "Rep. King to Push Consolidated DHS Oversight," *Security Management*, 4 November 2010, <http://www.securitymanagement.com/news/rep-king-push-consolidated-dhs-oversight-007850>.

<sup>54</sup> Paul Rosenzweig, Jena Baker McNeill, and James Jay Carafano, *Stopping the Chaos: A Proposal for Reorganization of Congressional Oversight of the Department of Homeland Security*, WebMemo (The Heritage Foundation, November 2010), <http://report.heritage.org/wm3046>.

<sup>55</sup> In comparing the relative size of the DHS and DOD bureaucracies that staff Congressional oversight work, it must be noted that although states and locales account for vast numbers of homeland security professionals and involved citizens that contribute to the DHS mission, only the federal DHS staff shoulder the administrative burden of oversight activity.

## **Opportunities for Improvement?**

The emphasis points studied lead us to the question of whether DHS could pursue concepts of DOD-like joint organization to improve operations or increase efficiency. The verdict is mixed. While DHS can certainly learn from the evolution of joint concepts, command, organization, and practices in DOD, in some ways DHS' missions and challenges dictate that the department remain a consolidation of separate, cooperating parts.

## Coordinated Organization

The DHS formed in both a joint and divided fashion. Its headquarters bureaucracy is akin to a joint organization, with directorates aligned in a hierarchy in support of the Secretary and the central mission of managing the department. As a result of the 2006 PKEMRA its operational components, however, are individual entities that maintain their own sovereign command structures, specific missions and authorities. In order to ensure unity of effort, they assume cooperative vice command relationships during operations as parties to ICS. This configuration addresses the challenges inherent in the multi-level, almost entirely civilian DHS bureaucracy. Those challenges include a culture of cooperation (vice command), jurisdictional overlapping (from Federal down to local), and span of mission control (from counterterrorism to ice breaking).

ICS as part of NIMS, and DOD's joint doctrine, all address interagency cooperation, but the joint DOD construct takes things a step further by delineating clear lines of authority through supported geographic and functional combatant commanders.<sup>56</sup> The DOD joint model prescribes to the principle of unity of command in matters of organization, command and control. Operational control of forces from different services is shifted to supported commanders during execution.

Must we choose one model or the other for DHS? Singularity of military culture, warfighting mission, and legal jurisdiction across the services allows DOD to be joint<sup>57</sup>, but fundamentally different civilian bureaucratic cultures, highly varying missions, and complex

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<sup>56</sup> CDR Darren J. Hanson, USN, *Unity of Command: An Answer to the Maritime Homeland Security Interagency Quagmire*, academic research paper (Newport, RI: Naval War College, October 2008), 3.

<sup>57</sup> RADM Peter V. Neffenger (Director, Enterprise Strategy, Management and Doctrine, U.S. Coast Guard, Washington, DC), in discussion with the author, 29 August 2011.

jurisdictional authorities in DHS allow only coordination in most cases. While headquarters-level organization can be very much joint, DHS cannot effectively assume a DOD-like joint operational command structure because of the challenges presented here.

## Joint Capabilities

The case for more joint capabilities is clear in DOD and DHS. Goldwater-Nichols dictated interoperability, which generated subsequent improvements to the defense acquisition system. DOD's JROC and Joint Capabilities Integration and Development System (JCIDS) were established to determine requirements across the inter-service, and ensure development of capabilities for employment by a joint force. Joint acquisition programs like the Joint Direct Attack Munition (JDAM) bomb, and the F-35 Joint Strike Fighter (JSF) will deliver immense economies of scale. The coordinated requirements determination, consolidated procurement oversight, and standard operations and maintenance follow up offered by these and other DOD acquisition programs are powerful evidence of what is gained by joint acquisitions. Joint acquisitions in DOD are far from perfect though, and have suffered from colossal inefficiencies throughout history. Some argue that a failure of the services to behave jointly, and instead to put their parochial interests above those of the joint force, continues to deliver "overpriced weapons systems for the wrong wars."<sup>58</sup>

DHS has emulated DOD's joint acquisitions approach in some cases. Establishment of such management bodies as the JRC and ARB, and inter-service projects like the Safe Boat® response boat and General Atomics® drone have delivered efficiencies. However, like DOD, management institutions have not always been active or successful, and opportunities for joint programs have been overlooked or protected by jealous agencies. In the case of UAS, CBP began and the Coast Guard joined the acquisition effort. The DHS assumed a leadership role

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<sup>58</sup> Jim Cooper and Russell Rumbough, "Real Acquisition Reform," *Joint Forces Quarterly*, Issue 55 (4<sup>th</sup> Quarter 2009), 167.

only after the agencies requested centralized coordination.<sup>59</sup> Following DOD's lead, DHS must continue to strive to develop a healthy joint acquisition organization, with the realization that some acquisition projects unique to particular agencies or jurisdictions will need to remain isolated. To oversee the cooperative interagency JRC and ARB groups, the DHS finally established a permanent acquisition management entity in 2008: the Acquisition Program Management Directorate (where a UAS Joint Program Office (JPO) was appropriately positioned<sup>60</sup>). Simultaneously, DHS released acquisition management guidance to its operating agencies on the administration of major acquisitions, and formalizing the role of the ARB in the department's procurement process. Over the following year, 30 major acquisition projects were considered by the ARB.<sup>61</sup> These have been steps in the right direction.

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<sup>59</sup> CAPT Michael D. Emerson (former Chief, Aviation Forces, U.S. Coast Guard, Washington, DC), in discussion with the author, 4 December 2011.

<sup>60</sup> CAPT Michael D. Emerson (former Chief, Aviation Forces, U.S. Coast Guard, Washington, DC), in discussion with the author, 4 December 2011.

<sup>61</sup> Senate, *One DHS, One Mission: Efforts to Improve Management Integration at DHS: Testimony of Elaine C. Duke, Under Secretary for Management, US Department of Homeland Security before the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia*, 2009.

## Joint Administration

Administration in any organization is quite possibly the easiest area to employ joint concepts. Clear chains of authority and command in matters of daily business are critical to effectiveness and efficiency. Both points reviewed in this area of DHS, education and Congressional oversight, are ripe for increased integration, and DOD is the perfect example.

Goldwater-Nichols directed joint professional education, assignments and promotion concepts are an exceptional example for DHS as the department evolves into an integrated national security organization. Day et al concluded that for DHS to achieve inter-operability and realize the benefits of unity of effort “it should implement a comprehensive homeland security professional development program.”<sup>62</sup> The PKEMRA directed DHS to establish a graduate-level professional education program.<sup>63</sup> This and the requirements put forward by previous legislation have been unfunded requirements however, and in today’s austere budget environment DHS lacks the ability to implement a joint professional development program with existing resources. However, with appropriate management, the many and disparate education efforts ongoing within DHS component agencies can together form the core of such a program. Using the DOD, and specifically the Goldwater-Nichols’ Joint Professional Military Education (JPME) model, as a guide, DHS should begin consolidation of professional education programs, requirement of which can be guided by Secretary-directed policy.<sup>64</sup>

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<sup>62</sup> CDR Michael Day, Lt Col Charles Cody, and John Saxe, *Developing Homeland Security Professionals for the 21<sup>st</sup> Century*, academic research paper (Cambridge, MA: Harvard University John F. Kennedy School of Government, 2011), 5.

<sup>63</sup> Congressional Research Service, *Federal Emergency Management Policy Changes After Hurricane Katrina: A Summary of Statutory Provisions*, CRS Report for Congress (Washington, DC: Congressional Research Service, 6 March 2007), 3.

<sup>64</sup> In addition to the model and resources provided by JPME, there are numerous existing college and university homeland security education programs that could be leveraged to begin a lower-cost DHS professional education initiative.

Congressional oversight simplification can be credited with DOD's healthy slice of the federal budget, and effectiveness as a fighting force. The behemoth department answers to far fewer in Congress than a DHS only one tenth their size. DHS would benefit from the joint DOD Congressional oversight model. The Heritage Foundation suggested that DHS wastes scarce resources on responding to Congressional committee inquiries and testimony, gets conflicting messages from multiple voices in Congress, and can pick and choose what policies it wishes to implement from the long varied list it gets from its overseers.<sup>65</sup> Fewer, consolidated and focused committees would reduce workload, unify Congress' message to DHS, and ensure compliance with Congressional guidance.

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<sup>65</sup> Paul Rosenzweig, Jena Baker McNeill, and James Jay Carafano, *Stopping the Chaos: A Proposal for Reorganization of Congressional Oversight of the Department of Homeland Security*, WebMemo (The Heritage Foundation, November 2010), <http://report.heritage.org/wm3046>.

## Recommendations

Any government reorganization effort requires legislation on a grand scale to ensure appropriate assignment of authorities, guarantee compliance of impacted agencies, and deliver the resources needed to effect the change. Goldwater-Nichols and the HSA set the stage for organization and operation of DOD and DHS respectively. Goldwater-Nichols established the joint force and insured unity of command. The HSA arranged a cornucopia of disparate agencies into a coordinated whole to strive for unity of effort. The trick for both departments is to work towards meeting the spirit of those statutes. After only one decade, this effort in DHS can proceed without watershed legislation like Goldwater-Nichols. Significant guidance from Congress is unrealistic considering their full docket. DHS should, and can make improvements internally, some following the DOD/Goldwater-Nichols joint model, and some already directed by PKEMRA. Coordination should rule in DHS organization, command and control, while joint concepts will continue to apply within the command structure of ICS. A joint approach to the department's capabilities and administration is best. Specific recommendations include:

- Allowing the improvements presented in PKEMRA (a joint DHS headquarters and seven cooperating operational components) to mature. PKEMRA also directed DHS to establish deployable Incident Management Assistance Teams (IMAT) responsible for coordinating the infusion of all federal-level DHS resources into a response, and facilitating the smooth establishment of an incident command structure in accordance with ICS dictates. These configuration changes actually worked well during recent events like the Deepwater Horizon oil spill, Hurricane Irene, and the April, 27 2011 tornado outbreak across the

Southeast U. S.<sup>66</sup> Like DOD, DHS will need years to evolve their ability to work in an integrated fashion.

- Continued improvement to acquisition is needed across the government. DHS would do well to use DOD as a model. Validating priorities across the department through JRC and ARB processes, consolidating like programs, and exercising central management of major buys through the establishment of JPOs will result in economies of scale and interoperability.
- Striving to copy the JPME model would benefit DHS greatly. Congress already provided impetus for this effort in PKEMRA. Incremental improvement of the DHS professional education program, using the National Defense University and service war colleges first as a resource, then as a model<sup>67</sup>, is recommended in the face of flat budgets. Should another catastrophic event befall the homeland, the budget environment may produce adequate resources for DHS to accelerate this effort.
- A reduction to fewer focused Congressional oversight committees for DHS is a must. The Heritage Foundation's suggestion of six core committees that parallel DOD's primary six should be DHS' goal.<sup>68</sup> This type of government reform initiative would likely require significant legislation, and with so much on the Congressional docket it is unlikely to be

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<sup>66</sup> Allan Jarvis, IMAT-2 Team Leader, DHS/FEMA Region IV and staff, Alabama Emergency Management Agency (briefings, Air War College Homeland Security and Defense Elective Course, Atlanta, GA and Clanton, AL, 22 November and 8 December 2011).

<sup>67</sup> CAPT Robert G. Ross, USCG and CDR Peyton M. Coleman, USCG (Ret.), "The Way Forward: Education and Jointness in Homeland Security – Learning From the Department of Defense," *HSI Journal of Homeland Security*, May 2003, [http://www.homelandsecurity.org/journal/articles/ross\\_coleman\\_NHSU.html](http://www.homelandsecurity.org/journal/articles/ross_coleman_NHSU.html).

<sup>68</sup> Paul Rosenzweig, Jena Baker McNeill, and James Jay Carafano, *Stopping the Chaos: A Proposal for Reorganization of Congressional Oversight of the Department of Homeland Security*, WebMemo (The Heritage Foundation, November 2010), <http://report.heritage.org/wm3046>.

considered anytime soon. However, in the current budget and debt debates Congress might consider how such a reorganization could deliver efficiencies.<sup>69</sup>

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<sup>69</sup> It is the author's recommendation that further into the development of DHS doctrine would be a worthwhile endeavor. Doctrine would codify progress made in DHS organization (like IMATs), capabilities programs (like joint acquisition processes), and administrative practices (such as a DHS JPME). Without doctrine, efforts in these areas will remain subject to the workload, budget climate, and priorities of the day.

## Conclusion

Outstanding questions do remain about how DHS will perform in the face of an event as significant as 9/11 or Hurricane Katrina. Would the slow growth of both cooperative and joint-like structures in DHS change in response to a more catastrophic event like a nuclear terrorist attack on American soil? Would the federal government presume the legal prerogatives of state and local officials? Would ICS hold up if the scale of a homeland security disaster leveled death and destruction across state boundaries, over a long period of time? Would such an event create the political will to answer with major legislation? Many argue that the time has come for agencies responsible for homeland security to “join together in a Goldwater-Nichols type reform to look at man-made and natural threats and government responses in an integrated manner,” and that such a “course of action will drive a holistic approach for the development of capabilities that will be flexible and resilient while providing a proactive capability to prevent some of the threats facing us today and in the future.”<sup>70</sup> However, like DOD has learned, time will tell, and experience will dictate the speed and significance of change. Now is not the time.

This research has shown in some ways DHS is applying and benefitting from a joint approach to organization, capabilities and administration. There is room for improvement, though, and DHS can learn from DOD’s joint evolution. That journey began when DOD was formed in 1947, and was redirected by the Goldwater-Nichols Act. DHS is not yet ten years old, and in the aftermath of Hurricane Katrina, has already undertaken one legislatively-dictated reorganization. Improvement efforts in the areas featured (organization, command and control,

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<sup>70</sup> Col Michael Edwards, USAF, “Goldwater-Nichols Act for Homeland Security,” in *From Threats at our Threshold: Homeland Defense and Homeland Security in a New Century, a Compilation of the Proceedings of the First Annual Homeland Defense and Homeland Security Conference*, sponsored by the Eisenhower National Security Series, United States Army War College, 2006, 55.

acquisitions, professional education, and Congressional oversight) can begin immediately, and don't require legislative direction to make an important difference in the security of our homeland.

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